

REMARKS

This Amendment is in response to the Office Action mailed October 10, 2006, having a three (3) month shortened statutory period for reply.

Claims 1-11, 13, 15-25 and 34 are pending, claims 1-6, 15 and 18 are rejected and claims 16 and 17 are allowed in this application. Claims 12, 14 and 26-33 are cancelled.

No new matter has been added to the claims or specification by the amendment. Support for all amendments are found in the originally filed claims and specification.

Applicants request consideration and entry into the record of the following amendments and remarks.

Rejection Under 35 U.S.C. §112, 2nd paragraph

Claims 1-6, 15 and 18 are rejected under 35 U.S.C. §112, 2nd para., for being indefinite and for failing to particularly point out and distinctly claim the invention.

The Examiner states that it is unclear what the scope of the variable term "R'" in relation to other variable functional group terms defined in pending claim 1.

For the sake of clarification, applicants have amended claim 1 to overcome the above-identified rejections by setting forth specific functional group sub-substituents defined within the definition of the variable term of R' as follows (support for this amendment is found throughout the specification; i.e., e.g., at page 4, line 28, at 5, lines 24, at page 7, line 23, at page 8, lines 1-6 and 15-16 of the specification, etc.):

"each R' defined above for R¹, R², R³, R⁴, R⁶, and R⁷ independently is H, C₁-galkyl, Ar-C₀-galkyl, or Het-C₀-galkyl; or phenyl or naphthyl substituted by one to three moieties selected from C₁-4alkyl, OR', N(R')₂, SR', CF₃, NO₂, CN, CO₂R', CON(R'), F, Cl, Br and I, or substituted by a methylenedioxy group;

wherein R' defined for moieties OR', N(R')₂, SR', CO₂R', CON(R')
as substituted on phenyl or naphthyl is selected from H or C₁-6alkyl; ...

wherein each Ar defined above is independently unsubstituted phenyl or naphthyl; or phenyl or naphthyl substituted by one or more of Ph-C₀-galkyl, Het-C₀-galkyl, C₁-6alkoxy, Ph-C₀-6alkoxy, Het-C₀-6alkoxy, OH, (CH₂)₁₋₆NR'R', O(CH₂)₁₋₆NR'R';

wherein each R' as defined in Ar independently is H, C₁-6alkyl, Ar-C₀-6alkyl, or Het-C₀-6alkyl; or phenyl or naphthyl substituted by one to three moieties selected from C₁-4alkyl, OR', N(R')₂, SR', CF₃, NO₂,

CN, CO₂R', CON(R'), F, Cl, Br and I, or substituted by a methylenedioxy group;

wherein R' as defined for moieties OR', N(R')₂, SR', CO₂R', CON(R') as substituted on phenyl or naphthyl is selected from H or C₁₋₆alkyl;

wherein each Het defined above is independently a stable 5- to 7-membered monocyclic or a stable 7- to 10-membered bicyclic heterocyclic ring, which is saturated or unsaturated, and which consists of carbon atoms and from one to four heteroatoms selected from the group consisting of N, O and S;

wherein the nitrogen and sulfur heteroatoms are optionally oxidized, and the nitrogen heteroatom is optionally quaternized;

wherein the bicyclic group of the bicyclic heterocyclic ring is fused to a benzene ring, and which optionally is substituted with one or two moieties selected from C₁₋₄alkyl, OR', N(R')₂, SR', CF₃, NO₂, CN, CO₂R', CON(R'), F, Cl, Br and I; and

wherein each R' as defined in the bicyclic group in Het independently is H, C₁₋₆alkyl, Ar-C₀₋₆alkyl, or Het-C₀₋₆alkyl; or phenyl or naphthyl substituted by one to three moieties selected from C₁₋₄alkyl, OR', N(R')₂, SR', CF₃, NO₂, CN, CO₂R', CON(R'), F, Cl, Br and I, or substituted by a methylenedioxy group;

wherein R' as defined for above moieties OR', N(R')₂, SR', CO₂R', CON(R') as substituted on phenyl or naphthyl is selected from H or C₁₋₆alkyl;

or a pharmaceutically acceptable salt thereof.

No new matter has been added to the claims of the present application.

In light of the above amendments, applicants request that the above rejection under 35 U.S.C. § 112, 2nd paragraph, be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, applicants believe that the claims of the present application are in condition for allowance and is earnestly solicited.

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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